

REMARKS

Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and following remarks. In the Office Action, mailed May 12, 2003, the Examiner rejected claims 1-33, finally withdrew claims 34-72 from consideration, and made numerous drawing, specification and claim objections. By this amendment, claims 1, 4, 8-10, 14, 19, 20, 24, 26, 27 and 33 have been amended, and claims 34-72 have been cancelled. Following entry of these amendments, claims 1-33 will be pending in the application.

Drawing Objections

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for allegedly failing to show Figs. 5D, 5D1 and 5D2 as described in the specification. Further, the Examiner objected to Figures 2a, 2b, 2c, 2e and 4, pursuant to MPEP § 608.02(g), and suggested that they should be designated with a "Prior Art" legend because each allegedly only illustrates that which is old.

In view of the following remarks, Applicant respectfully requests withdrawal of these objections.

Figs. 5D, 5D1 and 5D2

Applicant notes that there is no separate Fig. 5d described in the specification (only Figs. 5d1 and 5d2), and therefore no such drawing need be submitted.

Figs. 5d1 and 5d2 are described in the specification and were originally included on the last page of the drawing sheets submitted with the application as filed. However, these figures were inadvertently omitted from the substitute set of drawings filed with Applicant's Response to Notice of Incomplete Reply mailed April 3, 2002. Applicant, therefore, submits a new replacement set of seven formal drawing sheets with this response that includes Figs 5d1 and 5d2 as originally submitted.

Figs. 2a, 2b, 2c, 2e and 4

Figs. 2a, 2b, 2c, 2e and 4 have been designated with a --Prior Art-- legend as suggested by the Examiner. Applicant's replacement set of seven formal drawing sheets reflects these changes.

Specification Objections

In the Office Action, the Examiner objected to the specification for failing to contain a "Cross-Reference to Related Applications" section. The Examiner also objected to the specification in numerous places because Figure callouts use capital letters, while the Figures themselves use lower case designations. Further, the Examiner objected to the specification for using reference number "42" without correspondingly using it in a drawing, and for not using a subscript "2" in the symbolic reference to silicon dioxide.

In view of the foregoing amendments and following remarks, Applicant respectfully requests withdrawal of these objections.

Cross-Reference Section

Applicant has amended the specification to add a "Cross-Reference to Related Applications" section header. However, regarding the claim-of-priority language, Applicant directs the Examiner's attention to the Petition for Acceptance of Unintentionally Delayed Claim of Priority and accompanying Preliminary Amendment originally filed on October 15, 2002 and recently resubmitted on August 1, 2003. In this Preliminary Amendment, Applicant proposes insertion of claim-of-priority language. Approval of the Petition and entry of this Preliminary Amendment, together with the amendment herein to add the section header, will make moot the Examiner's objection to the specification for lacking the cross-reference section.

Lower-case Figure Callouts

Applicant has amended the specification in all places noted by the Examiner, as well as several other places noted by Applicant, to change the Figure callouts from capital letters (i.e., 5D1, 5D2, etc.) to lower case (i.e., 5d1, 5d2, etc.) as used in the drawing titles themselves.

Reference Number "42"

In the specification, reference number 42 is described on page 16, line 16 as part of the continuing discussion of Figure 5. As shown on Figure 5, reference number 42 points to the area between the sweeper 40 and the wafer 32. Therefore, sweeper area 42 is shown in the drawings and designating it as "not shown" as suggested by the Examiner would be incorrect.

Silicon Dioxide Formula

Applicant has amended the specification to make the trailing "2" in the formula for silicon dioxide formatted as a subscript as suggested by the Examiner.

Claim Objections

In the Office Action, the Examiner objected to claims 1, 8, 20, 24 and 26 because of certain listed informalities.

In view of the foregoing amendments and following remarks, Applicant respectfully requests withdrawal of these objections.

Claim 1

Applicant has amended claim 1 to add a semicolon at the end of line 10 of the claim as suggested by the Examiner.

Claim 8

Applicant has amended claim 8 to delete the second period at the end of line 3 of the claim as suggested by the Examiner.

Claim 20

Applicant has amended claim 20 to delete the second period at the end of line 2 of the claim as suggested by the Examiner.

Claim 24

Applicant has amended claim 24 to delete the phrase “asuppressor” and add the phrase -- a suppressor-- in line 2 of the claim as suggested by the Examiner.

Claim 26

Applicant has amended claim 26 to delete the second period at the end of line 3 of the claim as suggested by the Examiner.

Claim Rejections under 35 U.S.C § 112

In the Office Action, the Examiner rejected claims 1-33 under 35 U.S.C § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In view of the foregoing amendments and following remarks, Applicant respectfully requests withdrawal of these rejections.

Claim 1

In the Office Action, the Examiner rejected claim 1 because of the phrase “a first portion of the additive becoming adsorbed on the top portion and a second portion of the additive becoming adsorbed on the cavity portion” at lines 5-7 of the claim. Applicant respectfully traverses the Examiner’s allegation of indefiniteness in claim 1 because of this phraseology.

The terms first portion and second portion are used in the above-quoted phrase of claim 1 due to limits on the English language, while also observing rules relating to antecedent basis in the context of a claim. There is additive within the electrolyte solution, and some of it (the first portion) is adsorbed on the top portion, and some of it (the second portion) is adsorbed on the cavity portion. This is summarized at page 11, lines 18-23 of Applicant’s specification. Therefore, Applicant asserts that claim 1 is definite and understandable in using the word “portion” given this context and explanation.

However, if the Examiner is unconvinced by these arguments, the Examiner is urged to contact the undersigned at the number listed below at her earliest convenience for further discussion.

Claims 9, 10, 27 and 33

In the Office Action, the Examiner rejected claims 9, 10, 27 and 33 because the step of “removing the workpiece-surface-influencing device” at line 2 of each claim allegedly lacks antecedent basis. Applicant has amended claims 9, 10, 27 and 33 to delete the word “removing” and insert the word “moving” in its place, which has proper antecedent basis.

Claim 19

In the Office Action, the Examiner rejected claim 19 because the phrase “one of copper and a copper alloy” at lines 1-2 allegedly is indefinite. Applicant has amended claim 19 to delete the word “and” in the quoted phrase and insert the word “or” in its place, as suggested by the Examiner.

Double Patenting Rejection

In the Office Action, the Examiner rejected claims 1-33 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-30 of U.S. Patent No. 6,534,116 B2 (“the 116 patent”) to Basol. The present application and the 116 patent are commonly owned. Applicant respectfully traverses this rejection.

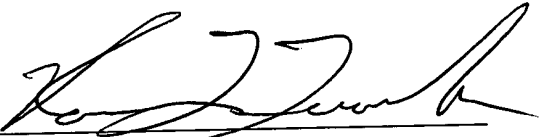
As previously mentioned in relation to the Cross-Reference Section objection discussion, above, Applicant has recently resubmitted (on August 1, 2003) a Petition for Acceptance of Unintentionally Delayed Claim of Priority and accompanying Preliminary Amendment that were originally filed on October 15, 2002. In this Preliminary Amendment, Applicant proposes insertion of claim-of-priority language. This proposed claim-of-priority language includes a claim of the benefit of priority to U.S. Application No. 09/740,701, which ultimately issued as the 116 patent.

Therefore, upon approval of the Petition and entry of this Preliminary Amendment, the present application will gain the benefit of priority of the '116 patent. Therefore, Applicant requests reconsideration and withdrawal of the double-patenting rejection.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
PILLSBURY WINTHROP LLP

By: 
Ross L. Franks, Reg. No. 47,233
For: David A. Jakopin, Reg. No. 32,995

2550 Hanover Street
Palo Alto, CA 94304-1115
Phone: 650-233-4897
Fax: 650-233-4545

60328887